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1. REPORT DATE (DD-MM-YYYY) 02-11-2012	2. REPORT TYPE FINAL	3. DATES COVERED (Fr	om - To)	
4. TITLE AND SUBTITLE	5a. CONTRACT NUMBEI	5a. CONTRACT NUMBER		
Corruption of Democratic Principles as a				
·		5b. GRANT NUMBER		
		5c. PROGRAM ELEMEN	TNUMBER	
6. AUTHOR(S)		5d. PROJECT NUMBER		
CDR Leon A. Higgins		5e. TASK NUMBER		
Paper Advisors: Professor James Butler,	5f. WORK UNIT NUMBER	₹		
7. PERFORMING ORGANIZATION NAME(S)	AND ADDRESS(ES)	8. PERFORMING ORGAI NUMBER	NIZATION REPORT	
Joint Military Operations Departm	ent			
Naval War College				
686 Cushing Road				
Newport, RI 02841-1207				
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)		10. SPONSOR/MONITOR	10. SPONSOR/MONITOR'S ACRONYM(S)	
		11. SPONSOR/MONITOI NUMBER(S)	R'S REPORT	

12. DISTRIBUTION / AVAILABILITY STATEMENT

Approved for public release; Distribution is unlimited.

Reference: DOD Directive 5230.24

13. SUPPLEMENTARY NOTES A paper submitted to the Naval War College faculty in partial satisfaction of the requirements of the Joint Military Operations Department. The contents of this paper reflect my own personal views and are not necessarily endorsed by the NWC or the Department of the Navy.

14. ABSTRACT

Since gaining its independence in 1960, Nigeria has struggled to establish stable governance to effectively manage and administer the tremendous resources of the nation for the common good. Since gaining independence, Nigerian officials have squandered over \$400 billion through corrupt practices, while poverty among the population has grown and the income disparity between the elite and abject poor has increased significantly. Given the growing inequity among the people and officials that govern them, this paper attempts to determine how an ineffective government survives in a democratic society and how that government's survival may lead to conflict among the population. This determination is based on four ideas: (1) that federal, state and local government officials in Nigeria are corrupt; (2) that federal, state and local government officials enrich themselves through corruption while at the same time ignoring the basic needs of the population; (3) that the poverty that results from the corruption is the underlying cause of violence that has otherwise been described as communal, ethnic, religious or class based; and (4) that the population is unable to break the cycle of corruption and hold these government officials accountable for their failures through elections and other democratic institutions because corruption renders these institutions ineffective. The paper finds that by embracing corruption, elected officials and other power brokers dilute the democratic principles of legitimacy, accountability and institutional capacity, thereby robbing the people of the ability to seek redress of its grievances through the proper functioning of the government. Without the ability to correct deficiencies through non-violent political means, the people are faced with violent ethnic and religious conflicts that have poverty and poor governance as their root cause.

15. SUBJECT TERMS

Nigeria, Corruption, Democratic Values, Governance, Poverty, Conflict

16. SECURITY CLASSIFICATION OF:		17. LIMITATION	18. NUMBER	19a. NAME OF RESPONSIBLE PERSON	
		OF ABSTRACT	OF PAGES	Chairman, JMO Dept	
a. REPORT UNCLASSIFIED	b. ABSTRACT UNCLASSIFIED	c. THIS PAGE UNCLASSIFIED		25	19b. TELEPHONE NUMBER (include area code) 401-841-3556

Standard Form 298 (Rev. 8-98)

NAVAL WAR COLLEGE Newport, R.I.

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Name

CDR Leon Higgins

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

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Signature:

02 November 2012

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Paper Abstract

Since gaining its independence in 1960, Nigeria has struggled to establish stable governance to effectively manage and administer the tremendous resources of the nation for the common good. Since gaining independence, Nigerian officials have squandered over \$400 billion through corrupt practices, while poverty among the population has grown and the income disparity between the elite and abject poor has increased significantly. Given the growing inequity among the people and officials that govern them, this paper attempts to determine how an ineffective government survives in a democratic society and how that government's survival may lead to conflict among the population. This determination is based on four ideas: (1) that federal, state and local government officials in Nigeria are corrupt; (2) that federal, state and local government officials enrich themselves through corruption while at the same time ignoring the basic needs of the population; (3) that the poverty that results from the corruption is the underlying cause of violence that has otherwise been described as communal, ethnic, religious or class based; and (4) that the population is unable to break the cycle of corruption and hold these government officials accountable for their failures through elections and other democratic institutions because corruption renders these institutions ineffective. The paper finds that by embracing corruption, elected officials and other power brokers dilute the democratic principles of legitimacy, accountability and institutional capacity, thereby robbing the people of the ability to seek redress of its grievances through the proper functioning of the government. Without the ability to correct deficiencies through non-violent political means, the people are faced with violent ethnic and religious conflicts that have poverty and poor governance as their root cause.

Introduction

As the old saying goes, "Absolute power corrupts absolutely," and in Nigeria, corruption is absolutely pervasive in society and government. Although the Nigerian government is a democracy as defined by its 1999 constitution, in practice, it operates much more like a plutocracy with little or no interest for the populace it governs. By diluting the critical Democratic principles that allow the nation's populace to hold its leadership accountable, Nigeria's national, state, and local leaders continue to perpetuate a culture of corruption that subjugates the needs of the populace in favor of personal prosperity, suppresses economic progress and extends the crippling impact of mass poverty and unemployment which results in communal, ethnic, religious, and class conflicts.¹

During the exploration of this thesis, this paper will briefly define corruption and good governance, and specifically link corruption to Nigeria and to economic development and violence. Next, the paper will define the critical democratic principles that make democracies work. These principles include legitimacy, accountability and capacity for governance, and the paper will demonstrate how the Nigerian government manipulates the institutions that reinforce these principles for the good of the greater population. Finally, the paper will explore methods to strengthen these principles and institutions. Before branching into this discussion, it would probably be useful to review a few pertinent facts about Nigeria to set the stage for further discussion.

¹ This thesis attempts to answer the following question in the Internal Conflicts section of the Nigeria Assignment: Analyze the failure of Nigerian leaders to establish good governments, forge national integration and promote economic progress, which has led to mass poverty and unemployment, and resultant communal, ethnic, religious, and class conflicts.

Background: Nigeria

Nigeria, Africa's most populace nation, achieved independence from the British in 1960. Its current President, Mr. Goodluck Jonathan, came to power from his position as Vice President in May 2010 following the death of President Umaru Musa Yar'Adua. President Jonathan was himself elected to the office of the Presidency in 2011 in a contest that was considered flawed, but the fairest national election since the nation's 1999 constitution was enacted.¹

The current government of Nigeria is considered a Federal republic and is based on the country's constitution which establishes a government in the image of the United States, with an Executive branch, Judicial branch, and a bi-cameral Legislative branch. Despite riches in natural resources, the population is generally impoverished, with upwards of 76% of the people surviving on earnings of less than \$1 per day. More astoundingly, 92.6%, or a breathtaking 147 million people, earn less than \$2 per day. This paper argues that most of this poverty is due to corruption.

Linking Nigeria to Corruption

In order to make this claim, it is critical to agree upon definitions of corruption and of the related idea of good governance. A review of the literature shows there is not a standard definition for corruption. DiRienzo et al. quote Transparency International's definition as "the misuse of entrusted power for private gain." This paper will use this definition, but reminds the reader that "entrusted power" can be wielded from the top-down, as is the case with public officials abusing power for their own gain, or from the bottom-up as in the case of the company or individual seeking consideration and access through bribes or other means.

Closely related to corruption is the concept of good governance. This paper will utilize Ogundiya's definition of good governance as "the proper, fair and equitable allocation of resources for the achievement of the end or purposes of the state, which is the promotion of the common good." Clearly, corruption and good governance are opposing concepts, and this relationship will be further explored in the context of Nigeria.

The government of Nigeria's responsibility to provide good governance and abolish corruption could not be clearer. Section 16.2 of the 1999 constitution states,

The State shall direct its policy towards ensuring: (a) the promotion of a planned and balanced economic development; (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good; (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens. vii

Additionally, section 15.5 states, "The State shall abolish all corrupt practices and abuse of power." As the following examples demonstrate, the Nigerian government has failed miserably in meeting the intent of these constitutional articles.

Two organizations annually attempt to quantify levels of corruption around the globe. Transparency International ranks Nigeria 143 of 182 ranked countries on its 2011 Corruption Perceptions Index (CPI) with a score of 2.4 of 10 (0 = highly corrupt). By comparison, the

United States ranks 24 with a score of 7.1. The World Bank Group produces the Worldwide Governance Indicators (WGI), a group of aggregate and individual governance indicators for 215 economies. Based on its 2011 measures, Nigeria ranks in the bottom 10% on measures of corruption control. Interestingly, these statistics have remained fairly stable over at least the last ten years, indicating that corruption is a long-standing problem in Nigeria.

In addition to the statistical measures above, there are countless anecdotal stories of Nigerian corruption. In one of the most striking examples, Mr. Tafa Balogun, the former Inspector General of the Police was charged with 149 counts related to the misappropriation of ₹10 billion (approximately \$65.6M at today's exchange rate). Mr. Balogun was also implicated in rigging the election that returned former President Obasanjo to power. Despite the large number of charges and the staggering amount of money stolen, Mr. Balogun was sentenced to 4 years 8 months in prison, but his sentences ran concurrently. He actually spent about six months in prison. xi

Other examples of corruption or mismanagement include a contract for a 160-room office space for Parliament that was increased from N4 billion (\$25M) to N11 billion for unspecified reasons. Additionally, a 2008 Senate probe found the aforementioned former President Obasanjo, considered to be Nigeria's most corrupt official ever, misappropriated sl6 billion set aside for the country's power sector, and today, most Nigerians are lucky to have electricity for more that eight hours per day. Even Nigeria's acclaimed anticorruption Economic and Financial Crimes Commission (EFCC) has been described as a corrupt arm of the Presidency. Adebanwi and Obadare list a number of additional places in the literature that describe Nigeria's corruption, and ultimately conclude Nigeria's

corruption is "so axiomatic that it is almost passé to restate it." xv

Many if not most of Nigeria's government officials are corrupt. Although the examples above concentrate on corruption at the Federal level, it is the state governments that are noted as the level of government that has most impacted the population through corrupt practices. Given the persistent levels of corruption throughout the Nigerian government and the large sums of money stolen in the examples above, it follows that there must be an impact on the wellbeing of the country and its citizens.

Linking Corruption to Economic Development and Poverty

Official estimates of the amount of revenue lost to corruption currently stand at over \$400 billion, or six times the amount of reconstruction aid America provided to post-war Europe under the Marshall plan. The Speaker of the Parliament, Mr. Dimijie Bankole, alleges the Nigerian National Petroleum Corporation has no record of the amount of money the nation has earned from crude oil sales since 1968. Additionally, between 100 and 250 million barrels of oil are stolen per year. Given the current cost of oil at around \$87 per barrel, this annual loss costs the government and people of Nigeria a minimum of \$8.7 billion per year. Corruption coupled with other factors of poor governance over the last 20 years has caused the value of the Nigerian Naira to fall from nearly \$2 to les than \$0.01.

underemployment rate among youth aged 15-24, the problems associated with poverty and inequality are expected to deteriorate over the next 25 years as the population grows to 300 million and places further pressure on the government for jobs and services. *xxii*

Corruption not only leads to poverty, but also to a dearth of economic development. Nigeria's ability to provide electricity to the people suffered due to corruption, as mentioned above, and other social infrastructures such as education and health care services have also declined. In the Nigerian Delta state of Rivers, David Fulbel, a leader of the Ogoni people, claims that despite being allotted \$1 billion between 1999 and 2004, the state has failed to build schools and hospitals for his people. While there are 48 oil wells, the state also failed to provide drilling for water, and the people have been left on their own to dig two boreholes. Of course, they have done so without electricity because the power-lines have been dead for at least a year.

Corruption and Poverty as the Root of Violence

Corruption and the resultant poverty are argued to be the primary causes of violence in Nigeria. Growing disparity between the haves and have nots and the failure of the federal, state and local governments to provide for the wellbeing of the people has created a sense among the people that their deprivation will not be addressed by the government. **xxv* As the impoverished see the large sums of amassed wealth being collected by the few, some become incredibly envious and seek their own methods to amass fortunes, including crimes such as theft and kidnapping. Without the support of a legitimate government, the people are forced to get by using whatever means they believe are available, including violence.

As the people and clans within a given ethnic group fight for their share of resources, they often point to other religious or ethnic groups that have engendered more resources as

the scapegoat responsible for their problems. This leads to clashes, which on their face seem to be based on ethnicity or religion, but at their heart are based simply on poverty and a sense of inequity among the people of Nigeria. xxvi

This seems to be true of the religious violence being perpetrated by the Islamist group Boko Haram. Barrister Ibrahim Bello Rigachukun, who represents Igabi Federal Constituency, Kaduna State in the House of Representatives, attributes the recent Boko Haram violence in the state of Kaduna to the government's neglect of the people, and not religious or tribal issues. Plainly stated, he assessed the situation as follows:

We lack good governance, security and power. As we are seated here the light can go off. We need good governance, fairness and equity. We are in a democracy, without tremendous improvements on these three issues, we are in trouble. And, it is corruption that has brought these three issues. **xxvii**

Nigerian Roman Catholic Archbishop John Onaiyekan recently commented that Boko Haram would not enjoy its current level of support were it not for "more fundamental issues, particularly local alienation over bad governance." Former U.S. President Bill Clinton echoed the thought that poverty was fueling religious violence in Nigeria. Nigerian President Jonathan also expressed similar analysis of violence in the town of Jos:

Our present understanding of the Jos matter is that the feeling of economic exclusion is central to the crisis and not religion. Like other parts of the world, the struggle for access to resources and position is taking different forms and in some instances, they explode in violence. **xx*

How a Corrupt Government Survives in a Democracy

If Nigerian federal, state, and local officials use public office for personal gain with largely negative impact on economic development and poverty among the greater populace, often resulting in violence among sub-groups of the population, then how do these officials remain in power in a democratic society? The fairly simple answer to this question is the people of Nigeria do not actually live in a democratic society of the people, for the people, and by the people. Despite what is written in the current Nigerian Constitution, elected officials and their political sponsors maintain their grip on power through acts of corruption that rob the people of their ability to effectively voice grievances and exercise accountability.

As Secretary Clinton asserts, democracy is about more than just elections and voting. **xxii** For example, Saddam Hussein claimed to be elected with 100% of the vote in Iraq in 2002, but nobody considered the Iraqi government to be a democracy. **xxii** In addition to elections, a functioning democracy requires a free press, independent judiciary and police force, protection of minority rights and viewpoints, checks and balances among the branches of government, and the implicit trust of the people. **xxxiii**

Dr. Odinkalu recognizes that the "implicit bargain" of electoral democracy is that the people have the right to reward or punish politicians with renewal or cancellation of their mandate based on performance in office. He identifies three bedrock principles upon which good governance in a democracy is founded: Legitimacy, Accountability, and Institutional Capacity. These principles serve as an excellent framework to examine how these corrupt politicians remain in power.

Legitimacy

Legitimacy of the government is derived from its electoral mandate. Given viable alternatives among the candidates for political office, legitimacy is engendered in a democracy by the concept of majority decision. For example, if there are two candidates for political office that offer a plan to balance the budget, one by cutting spending and the other by raising taxes, the candidate that garners the majority of votes gains legitimacy to enact his plan. Of course, this legitimacy is strengthened as the difference between the numbers of votes for the winner's and the opponent's plan grows. Corrupt politicians in Nigeria attempt to gain legitimacy by either adding to their vote totals through ballot stuffing or by taking away from their opponent's vote totals through ballot theft and voter intimidation. xxxvi

Legitimacy is restricted when the choice offered to the electorate is limited. In Nigeria, the barriers to entering an election as a realistic candidate for office are high and often limit who can run for office. Many candidates require the sponsorship of a political godfather to amass the financial support for a successful campaign. xxxvii In addition to the godfathers, Dr. Odinkalu references Dr. Kayode Fayemi's discussion of the five "mini-gods" that one must appease in any attempt to win election in Nigeria: the INEC (the election umpire), the security agencies (Nigerian Police Force, the State Security Service, and the Military), the thugs and bandits (rigging of elections), the Judiciary (to deny any legal challenge to the candidate's stolen mandate), and the Money god. xxxviii

Even if a candidate could overcome the barriers to entry, corrupt politicians employ armed gangs, the Nigerian Police, and other organizations to reduce the choice available to voters. President Obasanjo was accused of eliminating political opponents, such as his one time vice-president, Atiku Abubakar, by directing his anti-corruption watch group the

Economic and Financial Crimes Commission (EFCC) to target these opponents for corruption investigations. Other politicians have employed armed gangs, primarily motivated by monetary gain, to kidnap, injure and even kill political rivals considered too dangerous to the political survival of their patron. XI

When politicians are able to gain an electoral mandate through corrupt means, they are able to exercise control of the government for their own needs vice the needs of the population. Once in the seat of power, these politicians feel an obligation to provide for the best interests of themselves and their patrons, the political godfathers and others among the five mini-gods. Without truly needing the majority of the people to gain a mandate, these politicians increasingly divorce themselves from any notion that they must provide for the needs of the people to remain in power.

Accountability

Accountability involves both the ability of people to participate in and change government through transparent elections and the effectiveness of the balance of power between government institutions to ensure the government operates within the law. **Ii*

Legitimacy is closely related to accountability, in that it should be the participation of the people in elections that provide the mandate for the direction of governance, but in Nigeria, this is not always the case. A brief exploration of the workings of Nigeria's Independent National Electoral Commission (INEC) during the 2007 election will help to flesh out how corrupt politicians prevent the populace from enforcing accountability through the election process.

The INEC is constitutionally empowered by Part I of the Third Schedule to the 1999 Constitution to organize, undertake and supervise all elections for federal and state offices. xliii

The Chairman of INEC and its national commissioners are appointed by the President and confirmed by the Senate. In 2007, the Chairman of the INEC was Professor Maurice Iwu, who viewed with disdain both the foreign and domestic election monitors that would complicate his ability to manipulate the elections on behalf of his political master. xliii

Although the INEC is supposed to be independent, during the 2007 elections, it operated under the direct supervision of then President Obasanjo. During this election, Professor Iwu infamously announced the candidate supported by President Obasanjo, Umaru Musa Yar'Adua, the winner of the Presidential election 48 hours after the polls closed, based on the electronic returns of 13 of 36 states. In announcing this victory, Professor Iwu did not announce the total number of votes cast, the percentage of the vote received by each candidate, or a state-by-state breakdown of the election. Mr. Iwu also announced President Obasanjo's closest advisor, Andy Uba, winner of a state governor's election "on a declared turnout of over 100% of the voters roll."

This example actually addresses both aspects of the principle of accountability. First, if the actual results of an election have no bearing on the announced outcome then the people have no ability to participate in the selection of their "elected" officials. Just as with ballot stuffing and ballot theft, the actual will of the people is manipulated for the greater good of the corrupt politicians. Again, without the ability to reward or punish its leadership for its performance in office, the people lose trust in a government that is not only irresponsive, but also uninterested in its needs.

Secondly, if the INEC is not sufficiently independent of partisan influence by the President or other government officials then it has little hope of ensuring that its processes operate within the rule of law. As a federal executive body, not only does the President

appoint the INEC Chairman, but the President is also responsible for the control of the organization's funding, which has direct impact on how the organization's officials behave. xlv Given this amount of influence, the President exercises undue sway over the potential outcomes of the INEC. Unfortunately for Nigerians, similar influence relationships exist between the Federal and State Executive branches of government and other organizations that ensure the government operates within the bounds of the law, to include the Judiciary, the Police and anti-corruption groups. xlvi

Institutional Capacity

Institutional capacity demands that government institutions operate with the competence and capability to effectively represent the needs of the people. *Ivii Institutional Capacity is closely related to accountability in that the balance of power organizations required to hold government within the bounds of the law are of little consequence if they are not properly equipped with the funding, manpower, education, training and incentives necessary to properly execute their functions for the people. By limiting the capacity of these organizations, corrupt politicians are allowed to continue their unethical behaviors without regard to consequence.

As an example, the previous section mentioned the Office of the President controls INEC finances. By limiting funding for a professional, well-trained, permanent staff, the President can require the INEC to utilize a poorly trained, ad hoc staff of civil-servants and members of local governing councils, which are generally loyal to the party of the local or state government from which they are derived. This temporary INEC staff is generally incapable of ensuring elections are executed without irregularities such as the aforementioned ballot stuffing, ballot theft, and voter intimidation, thereby leaving the

corrupt politicians to pursue the false mandates that will return them to power without fear of consequence. xlviii

In addition to the INEC, other government institutions, which suffer from capacity challenges, include the civil service, the police and the judiciary. The civil service is generally poorly paid, and in some cases, unpaid for months at a time, making them susceptible to bribes and other means of influence peddling. Many among the police force are underpaid and under-trained, resulting in the inappropriate use of force when arresting suspects, the extortion of civilians for private gain, and the freelancing of security services to the highest bidder. The judiciary is underfunded, undermanned, and generally inefficient. Three quarters of those in prison in 2003 were awaiting trial without charges, and a simple legal action like property registration takes about 274 days to complete, whereas the same process takes about one day in Norway. **Iix*

In a government where any one of the three principles of legitimacy, accountability, or institutional capacity is weak, the ability of the people to make demands of its government is challenged. In Nigeria, all three values have been weakened by corruption, and the government has proven to be irresponsive to most of the needs of the people. This must be corrected if the Nigerian people are ever to have any hope of emerging from the poverty and violence that currently grips the nation.

Recommendations

Obviously, restoring legitimacy, accountability, and institutional capacity is critical to eliminating corruption within Nigerian society, but solving this problem will be a difficult task, with no easy answers. Ms. Farida Waziri, the Chairman of the Economic and Financial

Crime Commission, describes Nigeria's struggle as a war against corruption and describes its special character as follows:

The war against corruption like terrorism is a special kind of war. It admits of no conventional methods. It is a war against human selfishness and greed. It is a war against rapid and senseless primitive capital accumulation. It is a war against decadence of mind, ethics and morals. Because of these special characteristics of the war, it requires a strong and uncompromising political will. It must be approached holistically. Casual and superficial approaches will not work. Rhetoric must match concrete action. Like all wars on salvation and restoration, friends will be hurt; families and associates will equally be hurt. And above all, politics have no place in the war.¹

President Jonathan has described in speeches that he understands the importance of rebuilding Nigeria with accountability and transparency and has vowed to begin the work to correct the trajectory of Nigeria sooner rather than later. While time will tell if this is just rhetoric with unmatched concrete action or the announcement of the uncompromising political will deemed necessary by Ms. Waziri, President Jonathan has already taken steps to improve government in Nigeria, including the sacking of Professor Iwu at INEC in favor of the more reform minded Professor Attahiru Mohammed Jega before the elections of 2011.

To further define his political will for reform, President Jonathan should be encouraged to take additional actions to strengthen the legitimacy, accountability and institutional capacity of his government. To start, President Jonathan, either by constitutional amendment or by executive order, needs to work to make organizations like the police,

judiciary, INEC and EFFC more independent and less susceptible to direct and indirect manipulation by partisan officials. Additionally, President Jonathan should work to reform the civil service pay system, to ensure that Nigerian civil servants are paid on every payday and to incentivize performance without corruption. Finally, President Jonathan must work to redefine the government's primary customer in the minds of everyday Nigerians, from the rich and corrupt to the common citizen.

To assist President Jonathan, the people of Nigeria must demand more from their government. The citizens must stop rewarding poor performance amongst its elected officials and must no longer accept at face value the nonsensical explanations, such as Professor Iwu's 2007 election results, used to justify corruption. To support the population in this regard, a free and independent press must be engendered in Nigeria. This can be done, both by removing government regulation and control of the existing television, radio and newspaper networks and also by encouraging free minded people among the population to take advantage of the unregulated world of the internet, to include websites, social media, and blogs, to share news and opinion that is not otherwise voiced.

Finally, the international community must provide a forcing function to push Nigeria in the right direction. The United States should continue the work of its bi-national commission, but should do so with consequences for failing to demonstrate reasonable progress toward mutually agreed upon goals. The international community should seize upon the appointment of Professor Jega at the INEC and assist with independent and impartial monitoring of Nigerian elections along with an independent and impartially enacted national voter registration system to ensure elections are concluded fairly. By seeding the government with officials who realize they are in fact accountable to the people through free

and fair elections, it may be possible to reach President Jonathan's goals of reform sooner rather than later.

Conclusion

The thesis of this paper implies four ideas: (1) that federal, state and local government officials in Nigeria are corrupt; (2) that federal, state and local government officials enrich themselves through corruption while at the same time ignoring the basic needs of the population; (3) that the poverty that results from the corruption is the underlying cause of violence that has otherwise been described as communal, ethnic, religious or class based; and (4) that the population is unable to break the cycle of corruption and hold these government officials accountable for their failures through elections and other democratic institutions because corruption renders these institutions ineffective. The paper finds that by embracing corruption, elected officials and other power brokers dilute the democratic principles of legitimacy, accountability and institutional capacity, thereby robbing the people of the ability to seek redress of its grievances through the proper functioning of the government. Without the ability to correct deficiencies through non-violent political means, the people are faced with violent ethnic and religious conflicts that have poverty and poor governance as their root cause.

While the situation in Nigeria is bleak, it is not yet hopeless. As Arthur M. Schlesinger, Jr. quoted Senator Robert F. Kennedy in his address to students at the Day of Affirmation ceremonies at the University of Capetown on June 6, 1966:

Let no one be discouraged by the belief there is nothing one man or one woman can do against the enormous array of the world's ills, misery, ignorance, and violence... Few will have the greatness to bend history,

but each of us can work to change a small portion of events. And in the total of all those acts will be written the history of a generation. liii

Only time will tell if President Jonathan has the greatness to bend history, but by giving voice to the people of Nigeria through truly free and fair elections, each Nigerian will play their own small part in solving the country's problem with corruption, along with the associated symptoms of poverty and violence. As a result, Nigeria's elected leaders will be able to establish a government based on national integration and economic progress that operates for the benefit of all.

End Notes

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